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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,585	02/26/2002	Koji Kato	02129/LH	6014
1933	7590	12/02/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,585

Applicant(s)

KATO ET AL.

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 6-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the election of Species, Figure 5 which read on claims 1-5 in the reply filed on 9/23/05 is acknowledged.
2. Claims 6-76 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/23/05.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. J.P. Patent Publication 03184028 A (This reference is submitted from the IDS filed on 6/24/02 by applicant).

Referring to claim 1, the Saito reference discloses in Figure 1, a camera comprising: a beam splitter (2) configured to divide an incident light from a subject through a photographing lens; an eyepiece lens (e.g. the last optical element of lenses 6C which

Art Unit: 2615

provided in a vicinity of the user's eye) configured to observe the incident light divided by the beam splitter with a viewfinder (6); a relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens), provided between the beam splitter (2) and the eyepiece lens; and a shutter (eye piece shutter 11) provided in a vicinity of the relay lens and configured to cut a reverse-incident light from the eyepiece lens (See Abstract section).

Referring to claim 2, the Saito reference discloses wherein the relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens) and the shutter (eye piece shutter 11) are arranged adjacent to and along a direction of an optical axis of the incident light as shown in Figure 1.

Referring to claim 3, the Saito reference discloses in Figure 1, a camera comprising: a beam splitter (2) configured to divide an incident light from a subject through a photographing lens; an eyepiece lens (e.g. the last optical element of lenses 6C which provided in a vicinity of the user's eye) configured to observe the incident light divided by the beam splitter with a viewfinder (6); a relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens) provided between the beam splitter and the eyepiece lens and having a plurality of lenses; and a shutter (eye piece shutter 11) provided between the plurality of lenses of the relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C of the relay lens) and configured to cut a reverse-incident light from the eyepiece lens (See Abstract section).

Referring to claim 4, the Saito reference discloses wherein the relay lens and the shutter are configured integrally (e.g., in Figure 1, the shutter 11 provided between the plurality of

Art Unit: 2615

lenses of the relay lens, and all those elements are inside of the viewfinder 6, therefore, the relay lens and the shutter are configured integrally in the viewfinder 6).

Referring to claim 5, the Saito reference discloses wherein at least one or more image formation surfaces are formed between the beam splitter and the eyepiece lens as shown in Figure 1.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Miyamoto et al. U.S. Patent 4,206,988 discloses an eyepiece shutter 17 inserted in between optical elements 11 and 12.
 - b. Fujibayashi et al. U.S. Patent 4,431,284 discloses an eyepiece shutter 9 inserted in between optical elements 7 and 8.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lye', with a stylized, flowing script.

Lin Ye
Examiner
Art Unit 2615

November 21, 2005